

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Jeff Essmann, on February 3, 2015 at 8:00 AM, in Room 455
Capitol

ROLL CALL

Members Present:

Rep. Jeff Essmann, Chair (R)
Rep. Bill Harris, Vice Chair (R)
Rep. Casey Schreiner, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Bob Brown (R)
Rep. Moffie Funk (D)
Rep. Frank Garner (R)
Rep. Edward Greef (R)
Rep. Denise Hayman (D)
Rep. Debra Lamm (R)
Rep. Forrest Mandeville (R)
Rep. Wendy McKamey (R)
Rep. Dale Mortensen (R)
Rep. Jean Price (D)
Rep. Ray L. Shaw (R)
Rep. Kathy Swanson (D)
Rep. Susan Webber (D)
Rep. Art Wittich (R)

Members Excused:

Rep. Jessica Karjala (D)
Rep. Austin Knudsen (R)

Members Absent: None

Staff Present: Jennifer Petersen, Committee Secretary
Sheri Scurr, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 342, 1/30/2015

00:00:02 Chair Essmann

HEARING ON HB 342

Opening Statement by Sponsor:

00:01:27 Rep. Bryce Bennett (D), HD 91, opened the hearing on HB 342, Allow for electronic address confirmation for biennial absentee ballot list.

EXHIBIT(sth24a01)

00:05:15 Chair Essmann

Proponents' Testimony:

00:05:25 Lisa Kimmet, Elections and Government Services Deputy, Office of the Secretary of State (SOS)

00:07:05 Chair Essmann

00:07:09 Linda Stoll, Montana Association of Clerks and Records and Election Administrators (MACREA)

00:07:40 Chair Essmann

Opponents' Testimony:

00:07:54 Becky Stockton, self

00:09:33 Chair Essmann

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:50 Rep. Mandeville

00:10:15 Rep. B. Bennett

00:10:55 Rep. Greef

00:11:29 Rep. B. Bennett

00:12:00 Rep. Greef

00:12:54 Rep. B. Bennett

00:13:27 Rep. Funk

00:13:51 Rep. B. Bennett

00:14:20 Rep. Harris

00:15:23 Lisa Kimmet, SOS

00:16:35 Rep. Harris

00:16:50 Rep. Wittich

00:17:25 Linda Stoll, MACREA

00:18:07 Rep. Wittich

00:18:37 Lisa Kimmet, SOS

00:20:03 Rep. McKamey

00:20:28 Lisa Kimmet, SOS

00:21:03 Chair Essmann

00:21:42 Lisa Kimmet, SOS

00:22:27 Chair Essmann

00:22:30 Lisa Kimmet, SOS

00:22:33 Chair Essmann

Closing by Sponsor:

00:22:41 Rep. B. Bennett

00:25:26 Chair Essmann

EXECUTIVE ACTION ON HB 123

00:27:26 Rep. Mandeville

00:28:24 Chair Essmann

00:28:45 **Motion:** Rep. Harris moved that **HB 123 DO PASS.**

00:29:00 Chair Essmann

00:29:28 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**

EXHIBIT(sth24a02)

Discusssion:

00:29:38 Chair Essmann

00:29:41 Laura Sankey, Legislative Services Division (LSD)

00:34:29 Chair Essmann

00:34:41 Rep. Hayman

00:35:00 Rep. Mandeville

00:35:37 Chair Essmann

00:36:15 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

00:36:48 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**

EXHIBIT(sth24a03)

Discussion:

00:36:59 Laura Sankey, LSD

00:38:36 Chair Essmann

00:39:00 Laura Sankey, LSD

00:39:19 Chair Essmann

00:39:24 Laura Sankey, LSD

00:39:34 Chair Essmann

00:39:43 Rep. Hayman

00:40:02 Chair Essmann

00:40:06 Rep. Mandeville

00:40:16 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

00:40:47 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**

EXHIBIT(sth24a04)

Discussion:

00:40:55 Chair Essmann

00:40:59 Laura Sankey, LSD
00:42:48 Chair Essmann
00:43:14 Rep. D. Jones (HD 46)
00:43:22 Chair Essmann

00:43:28 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

00:44:02 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**
EXHIBIT(sth24a05)

Discussion:

00:44:09 Laura Sankey, LSD
00:44:57 Chair Essmann
00:45:27 Rep. D. Jones (HD 46)
00:45:32 Chair Essmann

00:45:37 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

00:45:59 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**
EXHIBIT(sth24a06)

Discussion:

00:46:08 Laura Sankey, LSD
00:47:58 Chair Essmann
00:48:30 Laura Sankey, LSD
00:49:00 Chair Essmann
00:49:03 Rep. Mandeville
00:49:28 Rep. Wittich
00:49:52 Laura Sankey, LSD
00:50:09 Chair Essmann
00:51:00 Rep. Mandeville
00:51:01 Chair Essmann
00:51:15 Rep. Mandeville
00:51:40 Rep. Wittich
00:52:00 Chair Essmann

00:52:16 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

00:52:43 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**
EXHIBIT(sth24a07)

00:52:51 Laura Sankey, LSD
00:54:33 Chair Essmann

00:54:45 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

00:55:06 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**
[EXHIBIT\(sth24a08\)](#)

00:55:16 Laura Sankey, LSD
00:58:39 Chair Essmann
00:58:52 Laura Sankey, LSD
00:58:56 Rep. Lamm
00:59:18 Laura Sankey, LSD
01:00:06 Rep. Lamm
01:00:25 Laura Sankey, LSD
01:01:00 Chair Essmann
01:01:04 Rep. B. Bennett
01:01:56 Chair Essmann
01:02:00 Rep. Wittich
01:03:31 Chair Essmann

01:03:46 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

01:04:19 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**
[EXHIBIT\(sth24a09\)](#)

Discussion:

01:04:29 Laura Sankey, LSD
01:05:12 Chair Essmann
01:05:18 Laura Sankey, LSD
01:05:25 Chair Essmann
01:05:46 Laura Sankey, LSD
Chair Essmann
01:06:56 Laura Sankey, LSD
01:07:04 Chair Essmann

01:07:23 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

01:07:42 **Motion:** Rep. Mandeville moved that **HB 123 BE AMENDED.**
[EXHIBIT\(sth24a10\)](#)

Discussion:

01:07:52 Laura Sankey, LSD
01:09:19 Chair Essmann
01:09:25 Rep. Schreiner
01:09:44 Rep. Mandeville
01:10:11 Rep. Schreiner
01:10:35 Rep. Mandeville

01:10:38 **Substitute Motion:** Rep. Funk made a substitute motion that **HB 123 BE AMENDED.**
[EXHIBIT\(sth24a11\)](#)

Discussion:

01:10:53 Chair Essmann
01:11:36 Rep. Funk
01:11:47 Chair Essmann
01:11:55 Rep. Funk
01:13:14 Rep. Mandeville
01:13:28 Chair Essmann
01:13:35 John MacDonald, Montana Newspaper Association (MNA)
01:14:45 Rep. Garner
01:15:21 Jodie Foley, Montana Historical Society (MHS)
01:15:50 Rep. Wittich
01:16:25 Rep. B. Bennett
01:16:58 Jodie Foley, MHS
01:17:56 Rep. Schreiner
01:18:50 Chair Essmann
01:19:52 John MacDonald, MNA
01:20:44 Chair Essmann

01:20:54 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

01:21:22 Chair Essmann

01:21:28 **Motion:** Rep. Wittich moved that **HB 123 BE AMENDED.**
EXHIBIT(sth24a12)

Discussion:

01:26:41 Rep. Garner
01:27:25 Rep. Wittich
01:28:26 Rep. McKamey
01:28:59 Rep. Wittich
01:29:15 Chair Essmann
01:29:42 Laura Sankey, LSD
01:29:46 Chair Essmann
01:29:50 Rep. Wittich
01:30:04 Chair Essmann
01:30:18 Rep. Schreiner
01:31:24 Chair Essmann
01:32:07 Rep. D. Jones (HD 46)
01:33:25 Rep. Lamm
01:33:45 Rep. D. Jones (HD 46)
01:34:15 Rep. Wittich
01:35:23 Rep. Hayman
01:36:11 Rep. Greef
01:37:14 Chair Essmann
01:38:28 Rep. Garner
01:38:31 Chair Essmann
01:39:02 Rep. Garner
01:39:27 Chair Essmann
01:39:31 Rep. Wittich

01:40:40 Rep. Schreiner
01:41:13 Chair Essmann

01:41:18 **Vote:** Motion carried 18-2 by roll call vote with Rep. Hayman and Rep. Karjala voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

01:43:05 **Motion:** Rep. Garner moved that **HB 123 BE AMENDED as follows:**
To fix the catch-line/title in section 3 (page 3, line 7) to read exactly or similar to "Access to public information--safety and security exceptions--Montana Historical Society collection exception"

Discussion:

01:43:19 Laura Sankey, LSD
01:44:01 Chair Essmann
01:44:11 Laura Sankey, LSD
01:44:36 Chair Essmann
01:44:45 Rep. B. Bennett
01:45:16 Laura Sankey, LSD
01:45:51 Chair Essmann

01:46:02 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

01:46:34 **Motion/Vote:** Rep. Mandeville moved that **HB 123 DO PASS AS AMENDED.**
Motion carried 19-1 by voice vote with Rep. Hayman voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

01:47:40 Chair Essmann
01:49:18 Rep. Schreiner
01:49:37 Chair Essmann
01:50:10 Rep. B. Bennett
01:50:33 Chair Essmann
01:50:53 Rep. Garner
01:51:22 Chair Essmann
01:51:36 Rep. Garner
01:51:46 Sheri Scurr, Legislative Services Division (LSD)

01:51:54 Chair Essmann, Recess
02:12:24 Chair Essmann, Reconvene

EXECUTIVE ACTION ON HB 48

02:12:44 **Motion:** Rep. Harris moved that **HB 48 DO PASS.**

Discussion:

02:12:52 Chair Essmann
[EXHIBIT\(sth24a13\)](#)
[EXHIBIT\(sth24a14\)](#)
02:13:30 Rep. Harris

02:14:10 Rep. Funk
 02:15:15 Rep. Wittich
 02:17:39 Rep. B. Bennett
 02:19:51 Rep. McKamey
 02:20:21 Rep. Wittich
 02:21:17 Rep. Mandeville
 02:22:10 Rep. Garner
 02:23:18 Rep. Lamm
 02:24:51 Chair Essmann
 02:24:56 Rep. Schreiner
 02:27:04 Rep. Price
 02:28:14 Rep. Webber
 02:28:51 Rep. B. Brown
 02:29:20 Rep. Funk
 02:30:21 Chair Essmann

02:32:19 **Vote:** Motion failed 10-10 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Garner, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Shaw, Rep. Swanson and Rep. Webber voting aye. Rep. Karjala and Rep. Knudsen voted by proxy.

02:34:03 **Motion/Vote:** Rep. Garner moved that **HB 48 BE TABLED**. Motion carried 11-9 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. McKamey, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

EXECUTIVE ACTION ON HB 170

02:35:49 **Motion:** Rep. Garner moved that **HB 170 DO PASS**.

02:36:35 Sheri Scurr, LSD
 02:36:52 Chair Essmann
 02:36:56 Rep. Garner
 02:38:56 Chair Essmann

02:39:17 Without objection, Rep. Garner withdrew the **DO PASS** motion.

02:39:24 **Motion:** Rep. Garner moved **TO DRAFT A COMMITTEE BILL TO ADDRESS THE FINANCIAL ASPECT OF HB 170**.

Discussion:

02:40:01 Chair Essmann
 02:40:08 Rep. Garner
 02:40:45 Rep. Wittich
 02:42:06 Rep. Schreiner
 02:43:22 Rep. Wittich
 02:43:35 Rep. Schreiner
 02:43:51 Rep. Wittich
 02:44:50 Chair Essmann

02:46:13 Rep. Garner
02:46:29 Chair Essmann

02:47:11 Without objection, Rep. Garner withdrew the **TO DRAFT A COMMITTEE BILL TO ADDRESS THE FINANCIAL ASPECT OF HB 170** motion.

02:48:13 Rep. Hayman
02:48:28 Rep. Garner
02:48:35 Rep. Hayman
02:48:39 Rep. Garner
02:48:50 Rep. McKamey
02:49:08 Chair Essmann

EXECUTIVE ACTION ON HB 251

02:49:58 **Motion:** Rep. Harris moved that **HB 251 DO PASS.**

02:50:03 Chair Essmann
02:50:06 Sheir Scurr, LSD
02:50:46 Chair Essmann

02:50:50 **Motion:** Rep. Harris moved that **HB 251 BE AMENDED.**
[EXHIBIT\(sth24a15\)](#)

02:51:01 Chair Essmann

02:51:52 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

02:52:33 Chair Essmann

02:52:57 **Motion/Vote:** Rep. B. Bennett moved that **HB 251 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

[EXHIBIT\(sth24a16\)](#)

02:55:03 **Motion:** Rep. Funk moved that **HB 251 BE AMENDED**
[EXHIBIT\(sth24a17\)](#)

Discussion:

02:56:59 Chair Essmann
02:57:07 Rep. Garner
02:57:38 Rep. Funk
02:57:58 Chair Essmann
02:59:27 Rep. B. Bennett
03:00:50 Rep. Mandeville

03:01:54 **Vote:** Motion failed 8-12 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye. Rep. Karjala and Rep. Knudsen voted by proxy.

03:03:27 Chair Essmann, Recess

03:07:15 Chair Essmann, Reconvene

03:07:25 **Motion:** Rep. Harris moved that **HB 251 BE AMENDED.**
EXHIBIT(sth24a18)

03:08:00 Chair Essmann

03:09:25 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

03:09:57 **Motion:** Rep. Harris moved that **HB 251 DO PASS AS AMENDED.**

Discussion:

03:10:12 Rep. Schreiner

03:11:27 Chair Essmann

03:11:35 Rep. McKamey

03:12:38 Rep. Schreiner

03:13:46 Rep. Harris

03:14:20 Rep. Garner

03:14:56 Rep. B. Bennett

03:16:39 Chair Essmann

03:18:59 **Vote:** Motion carried 19-1 by voice vote with Rep. Schreiner voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

EXECUTIVE ACTION ON HB 101

03:19:29 Chair Essmann

03:19:39 Rep. Wittich

03:19:42 Chair Essmann

03:20:45 Rep. Wittich

EXHIBIT(sth24a19)

03:22:20 Chair Essmann

03:22:37 **Motion/Vote:** Rep. McKamey moved **TO RECONSIDER THE COMMITTEE'S PREVIOUS ACTION ON HB 101.** Motion carried 18-0 by voice vote.

03:23:04 **Motion:** Rep. Wittich moved that **HB 101 DO PASS.**

03:23:13 **Motion:** Rep. Wittich moved that **HB 101 BE AMENDED.**

Discussion:

03:23:21 Rep. Mandeville

03:23:47 Rep. Wittich

03:24:26 Chair Essmann

03:24:35 Rep. Hayman

03:24:59 Chair Essmann

03:25:28 Without objection, Rep. Wittich withdrew the **BE AMENDED** motion. Without objection, Rep. Wittich withdrew the **DO PASS** motion.

03:25:31 Rep. Funk

03:25:40 Chair Essmann

ADJOURNMENT

Adjournment: 03:26:29

Jennifer Petersen, Secretary

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Additional Documents:

EXHIBIT([sth24aad.pdf](#))